



WILLARD CITY

Planning Commission Meeting – Regular Meeting

Thursday, June 6, 2024 – 6:30 p.m.

Willard City Hall – 80 West 50 South

Willard, Utah 84340

The meeting was a regular meeting designated by resolution. Notice of the meeting was provided 24 hours in advance. A copy of the agenda was posted at City Hall and on the State of Utah Public Meeting Notice Website.

The following members were in attendance:

Sid Bodily, Chairman

Ruth Beebe

Chandler Bingham

Chad Braegger

Madison Brown, City Planner

Michelle Drago, Deputy Recorder

Excused: Alex Dubovik; Brian Gilbert; Jeremy Kimpton, City Manager; and Colt Mund, City Attorney.

Others in attendance: Councilmember Jordan Hulsey; Seth Nielson; Roline Hinrichsen; Ronda Hinrichsen; Jeannine Jensen, Alex Owens, Lync Construction; Nathan Combs, Lync Construction; and Pat Burns, Lync Construction.

The meeting was called to order at 6:45 p.m.

1. PRAYER: Chad Braegger
2. PLEDGE OF ALLEGIANCE: Chandler Bingham
3. GENERAL PUBLIC COMMENTS

There were no comments.

4. CITY COUNCIL REPORT

There wasn't a report.

- 5A. REVIEW AND CONSIDERATION OF A REQUEST FROM SETH NIELSON FOR A CONDITIONAL USE PERMIT TO OPERATE A PEST CONTROL BUSINESS ON HIS PROPERTY LOCATED AT APPROXIMATELY 275 EAST 200 SOUTH (PARCEL NO. 02-050-0048)

Time Stamp: 02:07 – 06/06/2024

Madison Brown, City Planner, stated that Seth Nielson had applied for a business license for a small pest control business that he planned to operate from his home. Because of the pesticides Mr. Nielson planned to use, the administration felt he needed a conditional use permit. The Conditional Use Permit Review Committee reviewed Mr. Nielson's application on May 23rd. It recommended approval of the conditional use permit subject to the following conditions:

1. Pesticides shall be kept in a locked, metal cabinet in the garage.
2. Pesticides shall be prevented from entering Willard's storm drain system.
3. A sign stating that *pesticides are stored inside* shall be posted on the exterior of the garage side door.
4. No more than six boxes of pesticides shall be stored at any given time.
5. The owner shall provide Willard City with current copies of current state-required licenses and a copy



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of his liability insurance.

6. The business shall be limited to the residents of the home plus one employee.
7. The owner shall have a spill kit.
8. Subject to the standard home occupation regulations.

Ms. Brown said Seth Nielson had agreed to the recommendation conditions, and he had provided the city with copies of his Utah state licenses and his liability insurance.

Seth Nielson did not have any comments.

Chairman Bodily asked if the Planning Commission had any concerns or wanted to add additional conditions.

Commissioner Braegger asked about how many vehicles Mr. Nielson planned to have. Seth Nielson said he planned to use his own vehicles and his small trailer, which would hold a 40-gallon water tank to fill his backpack sprayer. His truck and trailer would be parked on his own property.

Commissioner Bingham moved to approve a conditional use permit for Seth Nielson to operate a pest control business on property located at approximately 275 East 200 South (Parcel No. 02-050-0048) subject to the conditions recommended by the CUP Review Committee. Commissioner Beebe seconded the motion. All voted “aye.” The motion passed unanimously.

5B. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING A PETITION FROM LYNC CONSTRUCTION TO REZONE APPROXIMATELY 32.77 ACRES LOCATED AT APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET FROM A-3 AND A-5 TO R-1/2 (PARCEL NOS. 02-035-0061, 02-035-0063, AND 02-035-0079)

Time Stamp: 07:37 – 06/06/2024

Chairman Bodily read Willard City's Rules of Order statement.

Commissioner Bingham moved to open the public hearing at 6:54 p.m. Commissioner Beebe seconded the motion. All voted “aye.” The motion passed unanimously.

Madison Brown read from the May 31, 2024, staff report:

On January 3, 2024, Lync Construction submitted a rezoning application to rezone parcels 02-035-0061, 02-035-0063, 02-035-0079, and 02-035-0075 located at approximately 3700 S 1200 W Perry from A-3 and A-5 to R 1/2.

On January 18, 2024, Lync Construction attended SLUA and presented a concept plan and rezone request to change the zoning of the property from A5 to R 1/2. SLUA agreed to the zoning change, but the 2017 Future Land Use map indicated the property still as A3-5, so Lync Construction was told they would need to submit a petition to amend the Future Land Use map in the General Plan before submitting the rezone request.

On February 1, 2024, Pat Burns of Lync Construction attended the Planning Commission meeting where there was a public hearing regarding a petition from Lync Construction to amend the 2017 Future Land Use map of the Willard City General Plan. After public comment and discussion among the Planning Commission, Pat Burns withdrew his application to amend the General Plan. This was done because the General Plan was being reviewed and re-finalized.



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He was told if his petition was denied, there would be a waiting period to re-apply. So, he decided to withdraw his petition since the General Plan was currently under review.

The General Plan was approved and updated in March 2024. The Future Land Use map in the General Plan was updated, and the future zoning for this property was R ½. Due to this change, Lync Construction no longer needed to apply for a petition to amend the General Plan. A rezone was still required. While the General Plan had been approved, the current zoning and future land use maps within the General Plan were not updated.

On April 1, 2024, Lync Construction reached out to Madison Brown, City Planner, to inquire about the status of the rezoning application. Madison referred to the incorrect Current Zoning map within the General Plan and mistakenly told Lync Construction they would no longer need to apply for the rezoning.

On April 25, 2024, Lync Construction presented SLUA with a concept plan for their subdivision application. The rezone was also discussed, and it was misinterpreted again that the current zoning was R ½ instead of A5. SLUA discussed some items that needed to be addressed, such as water, sewer, and stormwater issues. SLUA did not take any action on this item and Lync Construction was asked to bring back a revised plan.

Lync Construction met with Jeremy Kimpton, City Manager, and Madison on May 21, 2024. Madison explained the mistake with the Current Zoning map and that Lync Construction still needed to submit a rezoning application and that it would be addressed during the next Planning Commission meeting. The Future Land Use and Current Zoning maps have been corrected and updated in the General Plan.

Lync Construction presented their revisions to the concept plan. Discussion regarding an interlocal agreement with Perry took place. Madison and Jeremy decided to meet with Bob Barnhill, Perry City Planner, to discuss this option.

As of May 31, Lync Construction's Subdivision application has not been recommended to the Planning Commission. The rezone request has been recommended because this rezone adheres to the Willard City General Plan.

Councilmember Hulsey verified that the city maps had been corrected. Ms. Brown said they had. The Future Land Use Map now showed the property in question with a future land use designation of R-1/2. The Zoning Map showed that the current zone was A-5.

Pat Burns, Lync Construction, did not have any comments.

Chairman Bodily opened the floor for public comments.

Roline Hinrichsen, 3580 South 1200 West/Perry Street, asked for an explanation of the incorrect maps. Ms. Brown said the maps were created for the new General Plan in March, the use designation were backward. The zoning map identified the property in question with an R-1/2 Zone; the Future Land Use Map identified it as Agriculture with three to five acre lots. The maps now correctly identified the Lync property with a current zone of A-5 (agriculture with a minimum lot size of five acres) and a future land use designation of R-1/2.

Councilmember Hulsey said Willard would not automatically rezone the Lync property, but their request did comply with the future land use plan of Willard City.



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Mr. Hinrichsen said it sounded like Willard had already decided to rezone the property, which he felt was very sad. He quoted from the General Plan, *"Willard City has a rich rural, agricultural history. The citizens have worked to maintain the rural and small-town qualities of the City. Residents desire to continue to recognize the heritage of areas where rural pursuits, agricultural activities, and the grazing of animals are allowed and protected. Maintaining the small-town and rural ambiance will not be easy as the City faces constant growth pressures from the north and south. City officials and residents must remain committed to protecting the small-town qualities of their City and protecting the City's agricultural heritage. This Plan provides various policy statements to guide future land use and community decisions applicable to the City's Agricultural Heritage Areas. The Agriculture District (Future Land Use Map) provides areas of the City determined appropriate to provide opportunities for low density residential development patterns (minimum lot size 3 – 5 acres) and the protection of viable agricultural soils. The Agriculture area promotes agriculture, as determined by the landowner, based on the area used for viable agriculture and the opportunity to qualify such areas under farmland, or green-belt, property..."*

Mr. Hinrichsen felt one dwelling unit for every three to five acres would keep Willard rural. That was Willard's plan. That was what Willard wanted, and that was what he wanted. He planned to keep farming his property, so did Chad Braegger. Lync Construction was proposing to put a subdivision right down the middle of them and around the pond, which would flood. It had been dry for several years, now it was getting wet again. The ground cyclically changed from dry to wet. Willard had very little agricultural land left. He and Chad Braegger were trying to maintain their agricultural ground. Now the city was taking a swath out of the middle. He felt the city was going against its own plan. He realized the plan was a living document and that things could change. It seemed Willard was quickly developing everything. Willard's small-town ambiance was quickly going away.

Mr. Hinrichsen said the General Plan also talked about staying within the limits of the city's resources. With all the subdivisions going in, he questioned those resources. Utah was known for limited water. Sewer rates were increasing. He felt the city was hitting everything really, really hard. Developments like this led to higher taxes. Developments cost more money than they brought in. He felt developers would say whatever they needed to get approval. Developers always won, and he did not understand why because it would cost the city and residents money in the long run. How could the city put faith in what a developer said? What value would this development have for Willard? It would make Willard a busier place and take away even more of the small-town charm. It would tax the city resources even more. This was the edge of town; a place that should remain agricultural. He urged the Planning Commission to consider the long-term impact of its decisions to preserve the agriculture and small-town qualities that made Willard City unique. If the Planning Commission made the decision to go forward, it could not go back. It was a one-way street. If the Planning Commission said yes, it was a done deal.

Jeannine Jensen, 1155 West 3600 South, Perry, asked if the R-1/2 Zone would require septic tanks. Commissioner Bingham said any development would have to connect to the city's sewer system. Ms. Jensen said the groundwater could be an issue in wet years. She felt the proximity to the slough and septic tanks would be an issue. She felt the city's main concern should be making sure the infrastructure was in place. Previous projects in the area had not installed all the infrastructure. Partial infrastructure would restrict future development. She wanted to make sure there was infrastructure to handle the additional capacity.

There were no further public comments.



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Commissioner Bingham moved to close the public hearing at 7:09 p.m. Commissioner Beebe seconded the motion. All voted "aye." The motion passed unanimously.

5C. CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL REGARDING A PETITION FROM LYNC CONSTRUCTION TO REZONE APPROXIMATELY 32.77 ACRES LOCATED AT APPROXIMATELY 3710 SOUTH 1200 WEST/PERRY STREET FROM A-3 AND A-5 TO R-1/2 (PARCEL NOS. 02-035-0061, 02-035-0063, AND 02-035-0079)

Time Stamp: 23:46 – 06/06/2024

Chairman Bodily did not feel the requested zone matched adjacent uses. Land to the north was in Perry. The use to the west was agriculture, not houses. However, The rezone request did comply with the new Future Land Use Map. All that was being considered tonight was the zone change. The developer would bring in a subdivision later.

Commissioner Bingham stated that just before the City Council approved the new General Plan and Future Land Use Map, they changed the future land use designation of this area to R-1/2. He felt that change made the decision for the Planning Commission. Half-an-acre was a good-sized lot. He was not sure he would be opposed to the rezone even if the Council had not changed the Future Land Use Map. If a farmer had wanted to farm the land, he would have purchased it.

Commissioner Bingham said he recently attended a planning meeting hosted by BRAG (Bear River Association of Governments) and the state. The state legislature was pushing development and lower density. If cities acted against their general plans, it gave the state legislature grounds to take away the rights of cities to control what was going on.

Commissioner Beebe wished it wasn't that way. This would bring in more houses.

Commissioner Braegger wanted to be selfish and keep this area the way it was. It was a little slice of heaven. The City Council had changed the Future Land Use Map. He understood the position of the property owner. As much as he hated to see the land develop, there was going to be growth. No one liked to see it in their backyard.

Commissioner Beebe did not like the R-1/2 Zone, but she was not sure there was much the Planning Commission could do.

Chairman Bodily stated that past rezone requests had been denied. This request complied with the Future Land Use Map. The developer would have to address the wetlands and infrastructure problems. He wanted this land to stay farmland, but there had to be someone who wanted to farm it. Willard didn't have farmers anymore.

Commissioner Bingham moved to recommend that the City Council approve a petition from Lync Construction to rezone approximately 32.77 acres located at approximately 3710 South 1200 West/Perry Street from A-3 and A-5 to R-1/2 (Parcel Nos. 02-035-0061, 02-035-0063, and 02-035-0079). The motion died for lack of a second.

Discussion continued at Time Stamp 36:01 after Item 5D.



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Council member Hulsey felt the Planning Commission's motion was out of order. If a motion died for lack of second, she felt the Planning Commission either had to table the item or make a new motion. According to the law, she did not feel the Planning Commission could let it die.

There was a brief discussion.

Commissioner Bingham moved to recommend that the City Council approve a petition from Lync Construction to rezone approximately 32.77 acres located at approximately 3710 South 1200 West/ Perry Street from A-3 and A-5 to R-1/2 (Parcel Nos/ 02-035-0061, 02-035-0063, and 02-035-0079). Commissioner Braegger seconded the motion. Commissioners Bingham and Braegger voted "aye." Commissioner Beebe voted "nay." The motion carried.

Michelle Drago stated that this rezone would be forwarded to the City Council on June 27th.

5D. REVIEW OF A CONDITIONAL USE PERMIT ISSUED TO PEGGY JO PERRY FOR A FRUIT STAND LOCATED AT 370 NORTH MAIN (PARCEL NO. 02-046-0079) ISSUED NOVEMBER 18, 2005 (CONTINUED FROM MAY 2, 2024)

Time Stamp: 32:48 -06/06/2024

Madison Brown stated that the Planning Commission discussed this conditional use permit on May 2nd. In 2005, a conditional use permit was issued to Peggy Jo Perry whose family member wanted to use the fruit stand as a cabinet shop. Ms. Brown spoke with the current property owner Thayne Tagge. He had not used the fruit stand as a cabinet shop since he owned the property. Conditional use permits expired after one year if the use was discontinued. It had been well over a year since the cabinet shop was used.

Chairman Bodily asked about the current use of the fruit stand. Ms. Brown said Thayne Tagge was using it for storage. If needed, he would open the fruit stand again, which was its original and intended use.

Michelle Drago stated that a fruit stand was a permitted use.

Chairman Bodily agreed the conditional use had ended. If Mr. Tagge wanted to do something else, he would have to seek the city's approval.

Ms. Brown stated that the conditional use permit for the cabinet shop would be changed from active to expired.

5E. DISCUSSION REGARDING AMENDING CHAPTER 12-105 OF THE WILLARD CITY ZONING ORDINANCE TO ALLOW SHORT-TERM RENTALS IN RESIDENTIAL ZONES (CONTINUED FROM APRIL 4 AND APRIL 18, 2024)

Time Stamp: 39:28 – 06/06/2024

Madison Brown stated that the Planning Commission had received the latest draft of the ordinance from the City Attorney. In 12-102-24-6 (7), Mr. Mund referenced Willard's noise regulations found in Chapter 10-08-010, which did not have any set hours. At the last meeting, the Planning Commission discussed adding quiet hours to the short-term rental ordinance. The city attorney said the Planning Commission could add



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quiet hours to the short-term rental ordinance. However, those quiet hours could only be enforced on short-term rental properties. He recommended that quiet hours be added to the noise ordinance.

Commissioner Braegger asked if there had to be quiet hours. If there were not quiet hours, noise violations could be addressed at any time. He felt the lack of quiet hours would be to the city's advantage. Another option was to assign quiet hours when the short-term rental applied for a conditional use permit.

Madison Brown said quiet hours could also be added to a short-term rental's business license. If the Planning Commission wanted quiet hours in the noise ordinance, it would have to be amended.

Commissioner Bingham said that even if the short-term rental ordinance had quiet hours, it would still have to comply with Willard's noise ordinance. So, technically, the police could respond to a noise complaint at any time of the day. He suggested that the short-term rental ordinance be left as written. If the Planning Commission wanted to set quiet hours, it could amend the noise ordinance.

Commissioner Braegger felt there needed to be enforcement teeth in the noise ordinance.

Commissioner Bingham felt comfortable approving the ordinance as it was written. He suggested that the Planning Commission hold the required public hearing then it could address the quiet hours with the city attorney.

Commissioner Bingham moved to set a public hearing for June 20, 2024, at 6:30 p.m. to receive public input regarding a proposal to amend Chapter 12-105 of the Willard City Zoning Ordinance to allow short-term rentals in residential zones. Commissioner Braegger seconded the motion. All voted "aye." The motion passed unanimously.

5F. DISCUSSION REGARDING AMENDING CHAPTER 12-111-3 AND 12-112-3 OF THE WILLARD CITY ZONING ORDINANCES – TABLES OF USES

Time Stamp: 48:57 – 06/06/2024

Madison Brown stated that Chapter 12-111-3 was the Table of Uses for multi-use, agriculture, and residential zones. Chapter 12-112-3 was the Table of Uses for commercial and manufacturing zones. The city attorney wanted the Planning Commission to review and discuss whether uses should be permitted or conditional. The city attorney also felt conditional uses should be used sparingly. He felt a use should be permitted or not. Ms. Brown suggested that the Planning Commission look for uses that needed to be added.

Commissioner Braegger felt the Planning Commission needed the input of those members who were not in attendance.

Commissioner Bingham felt it was hard to determine whether uses in a Commercial Neighborhood Zone should be permitted or not because it depended on the neighborhood.

Ms. Brown asked Michelle Drago to explain how Perry City revised its Table of Uses several years ago, which she did. Perry City's attorney recommended that uses be permitted or not. If conditions were needed for a use, they were written into the ordinance.



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Commissioner Bingham asked about a use that was not listed in the Table of Uses. Michelle Drago understood that a use was not allowed if it was not listed. She felt the Zoning Ordinance needed to clarify that issue.

Madison Brown said she would send an explanatory email to the members not in attendance. She suggested that everyone review the lists and be prepared to discuss them at the next meeting.

6. CONSIDERATION AND APPROVAL OF THE MAY 2 AND MAY 16, 2024, REGULAR PLANNING COMMISSION MINUTES

Commissioner Braegger moved to approve the May 2 and May 16, 2024, minutes as written. Commissioner Beebe seconded the motion. All voted “aye.” The motion passed unanimously.

7. COMMISSIONER/STAFF COMMENTS

Time Stamp: 55:46 – 06/06/2024

Commissioner Braegger

Commissioner Braegger asked how many members of the Planning Commission were needed to approve an action. Was it a majority of the entire Planning Commission, or was it a majority of those in attendance?

After discussion, Madison Brown said she would have an answer at the next meeting.

Commissioner Beebe

Did not have any comments.

Chairman Bodily

Chairman Bodily asked what was being built at 1215 North Main. Madison Brown said the owner was building a shop west of his home. She would check on a building permit.

Commissioner Bingham

Did not have any comments.

Madison Brown

Madison Brown updated the Planning Commission on the city's summer road projects. The chip and seal was done. The next project was on 200 South.

Commissioner Braegger felt the potholes around the city needed to be filled. He also felt contractors needed to follow standards for flaggers.

Madison Brown stated that Connex was installing fiber optics in Willard.



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Madison Brown stated that Diana Baker had resigned from the Planning Commission. She asked the Planning Commission members to let her know of anyone who would be interested in serving on the Commission.

8. ADJOURN

Commissioner Bingham moved to adjourn at 7:51 p.m. Commissioner Braegger seconded the motion. All voted in favor. The motion passed unanimously.

Minutes were read individually and approved on: 6/06/24

Sid Bodily
Planning Commission, Chairman
Sid Bodily

Michelle Drago
Planning Commission Secretary
Michelle Drago

dc:PC 06-06-2024

